

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 516 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHIRAGHE ARGU W/O MOHEMMED IQBAL ALIAS MANJRO N QURESHI

Versus

STATE OF GUJARAT

Appearance:

MR MJ DAGLI for Petitioner

MR. H.L. JANI, APP for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 18/09/98

ORAL JUDGEMENT

This petition under Article 226 of the Constitution of India is filed by the wife of Mohemmed Iqbal alias Manjro Noormohemmed Qureshi who has been externed and directed not to enter the area of Commissionerate of Ahmedabad City, Ahmedabad (Rural), Gandhinagar, Kheda and Mehsana by order dated 30.3.1998. It is contended by the learned counsel that show cause notice was given on 25.4.1997, the order of externment

has been passed as late as on 30.3.1998. As such on the ground of delay, the order of externment deserves to be quashed and set aside. He has placed reliance on an unreported decision of this court in Special Criminal Application No. 1294 of 1997 decided on 23.3.1998. It is held therein that it is the responsibility of the concerned authority to regulate the proceedings. The order of externment being a preventive measure, adjournment cannot be granted as a matter of course. The court further held that by delaying the proceedings, the very purpose of proceedings is defeated.

In view of the aforesaid, this Special Criminal Application is allowed and the order of externment dated 30.3.1998 is quashed and set aside. Rule made absolute.

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